IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

AND
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 828 OF 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05.12.2003 in Writ Petition No :15251 OF 2001 on the file of the High Court.)

Between:

1 The Commandant, Central Industrial Security Force, Nuclear Fuel Complex, ECIL Post, Hyderabad.
2 The Deputy Inspector General, Central Industrial Security Force. DIG/DAE Head Quarters, ECIL Post, Hyderabad-62. **..... APPELLANTS**

AND

Mahavir Singh, S/o. Sri Ramachandra Singh Malik,
R/o. 22/2, CISF Quarters, CISF Complex, NFC Post: ECIL, Hyderabad - 500 062.
.....RESPONDENT

Counsel for the Appellants: MR. A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent : MR. J.M.NAIDU

The Court made the following ORDER:

(Per G.Bikshapathy, J)

The writ appeal is filed by the Central Industrial Security Force, Hyderabad, aggrieved by the order of the learned Single Judge in Writ Petition No.15251 of 2001, dated 05.12.2003.

2. The respondent was working as Head Constable/Driver in the Central Industrial Security Force, attached to Nuclear Fuel Complex at Hyderabad. While so, disciplinary action was initiated against him and ultimately he was imposed with the punishment of reduction of pay from Rs.3,625/- to the minimum stage in the time

scale of pay of Rs.3200-85-4900+SP Rs.50/- for a period of three years. After availing the appeal remedy unsuccessfully, he filed Writ Petition No.15251 of 2001 challenging the order of punishment. The learned Single Judge, however, interfered with punishment and modified the same as follows:

" The pay of No.933170027 HC/DVR Mahavir

Singh is reduced from Rs.3625/- to the minimum

> stage in the time scale of pay of Rs.3200-85-4900/- + SP Rs.50/- for a period of three years with immediate effect. It is further ordered that he will not earn increments of pay during the period of reduction."

Against the said order, the present writ appeal has been filed.

3. The learned Standing Counsel for Central Government appearing for appellants submits that the order of the learned Single Judge is not sustainable in law inasmuch as the punishment was imposed against the respondent under Rule 31(e) of the Central Industrial Security Force Rules, 1969 (for short, 'the Rules'), and the case referred to by the learned Single Judge relating to Rule 31(d) of the Rules, and therefore the learned Single Judge was confused with regard to the applicability of clause in the relevant Conduct Rules.

4. We have also heard the learned Counsel for the respondent.

5. We are unable to find fault with the order passed by the learned Single Judge. He has only clarified deleting the latter portion of the punishment, namely, it will have the effect of postponing his future increments of pay. Under these circumstances, we do not find any grounds to interfere with the order of the learned Single Judge.

6. Accordingly, the writ appeal is dismissed. No costs.

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(G.BIKSHAPATHY, J)

Dated: 28th June, 2004.

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(B.SESHASAYANA REDDY, J)

ASSISTANT REGISTRAR

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SECTION OFFICER.

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Copies to

1.The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).

2.The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind perusal).

3.The Commandant, Central Industrial Security Force, Nuclear Fuel Complex, ECIL Post, Hyderabad.

4.The Deputy Inspector General, Central Industrial Security Force, DIG/DAE Head Quarters, ECIL Post, Hyderabad-62.

5.Two CD copies.